

From: David Mann
To: Microsoft ATR
Date: 1/23/02 7:33am
Subject: Microsoft Settlement

I am a US citizen and my SSN is 447-74-0714. I would like to register a complaint against the Proposed Final Judgement in that it does not come close to touching the real problem of Microsoft's anticompetitive nature. For example, the license below does not restrict the user when using the software, but rather limits the rights of the user after the use of the software is complete. Example:

An artist encodes an original piece of music using the encoder. The Artist closes the encoder software. The artist would like to distribute hi/her music to as wide a range of listeners as possible. To do so, he/she packages the music with a player. At this time, the user is no longer using the software, and the data file created using the software is the property of the artist. The artist's right to distribute his own property is limited such that the artist does not have the freedom to bundle legally licensed software with his own property.

The Microsoft Windows Media Encoder 7.1 SDK EULA states
... you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. "Publicly Available Software" means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models ... Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); ...

I strongly urge you to reject the Proposed Final Judgement against Microsoft.

Sincerely,
David Mann

David Mann
Global Solutions Architect
david.mann@matrixone.com
PGP Fingerprint: 8C80 0C44 B1FF E069 776B 6299 84EA DE7A F81C 199B
www.matrixone.com

Changing the Way the World Brings Products to Market

